IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No. 1483 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26.8.2004 made in W.P.M.P.No. 4175 of 2004 and W.V.M.P.No.827 of 2004 in W.P.No. 3161 of 2004 on the file of the High Court.)

Between:

1 Bommanaboina Ailaiah, S/o Late Papaiah,
2 Bommanaboina Mallaiah, S/o Late Papaiah,
3 Bommanaboina Uppalaiah, S/o Late Papaiah,
All are R/o.Thorrur Village and Mandal, Warangal District.
..... APPELLANTS

AND

1 The District Collector, Warangal, Warangal District.
2 The Mandal Revenue Officer, Thorrur Village & Mandal, Warangal District.
3 Lonka Venkaiah, S/o Lonka Buchi Ramulu, R/o.Thorrur Village & Mandal, Warangal District.
.....RESPONDENTS

Counsel for the Appellants : Mr.G.TUHIN KUMAR

Counsel for Respondents 1 & 2: G.P. FOR REVENUE

Counsel for Respondent No.3 : Mr.M.RAMA RAO

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

We see no ground to interfere with the order of the learned single Judge vacating the interim order which was passed on 19-2-2004.

In the writ petition, the petitioners-appellants have questioned the order passed on 30-8-2003 in Case No.1247 of 1999 by the Junior Civil Judge, Mahabubabad, Warangal District, and while doing so they also questioned the validity and legality of the order dated 9-2-2004 passed in E.P.No.60 of 2003 on the file of the said Court, where initially interim order was passed on 19-2-2004, and on respondent No.3 approaching this Court by filing vacate application it was vacated on the ground that as per the warrant which had already been issued and which had duly been executed on 16-2-2004, third respondent was put in possession of the property.

The writ petition was filed on 19-2-2004 and nowhere it was stated that warrant was executed on 16-2-2004. Rightly the learned single Judge vacated the interim order. Needless to add that if the appellants would succeed in the writ petition, it is always open to them to seek restoration of possession.

The writ appeal is dismissed. No costs.

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DEVINDER GUPTA, C.J

24th September 2004.

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C.V.RAMULU, J

ARS

To

1 The District Collector, Warangal, Warangal District.
2 The Mandal Revenue Officer, Thorrur Village & Mandal,
Warangal District.
3 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.
4 Two C.D. copies.